

**APPLICATION FOR PERMISSION TO CHANGE POINT OF DIVERSION, MANNER
OF USE AND PLACE OF USE OF THE PUBLIC WATERS OF THE STATE OF
NEVADA HERETOFORE APPROPRIATED**

Date of filing in State Engineer's Office APR 06 2005

Returned to applicant for correction _____

Corrected application filed _____

Map filed MAY 09 2005 under 72535

The applicant **Granite Fox Power, LLC**, a Delaware limited liability company, hereby makes application for permission to change the **point of diversion, place and manner of use of a portion** of water heretofore appropriated under **Proof No. 09063**

1. The source of water is **Smoke Creek & Tributaries**
2. The amount of water to be changed **14.356 cfs – 1,249.00 acre feet annually**
3. The water to be used for **Industrial Power Generation, and Domestic**
4. The water heretofore permitted for **Irrigation, Domestic and Stockwater**
5. The water is to be diverted at the following point **NW¼ SW¼ Section 2 T30N, R19E, MDM or at a point from which the NW corner of Section 4, said township and range bears N 72° 16' 50" W, a distance of 11,709.1 feet.**
6. The existing permitted point of diversion is located within **SW¼ SE¼ Section 24, T32N, R17E, MDM or at a point from which the SE corner of Section 31, T32N, R18E, MDM, bears S 33° 32' 22" E, a distance of 13,035.55 feet.**
7. Proposed place of use **See Attachment "B"**
8. Existing place of use **See Attachment "A"**
9. Use will be from **January 1 to December 31** of each year.
10. Use was permitted from **April 1 to October 31** of each year.
11. Description of proposed works **Drilled and cased well, submersible pump and electric motor, electrical control system, piping system to collection reservoir, thence piping and pumping systems to storage reservoir on place of use. Water will thereafter be piped to the electrical generating facilities.**
12. Estimated cost of works **Each well will cost approximately \$200,000.00, total water system will be approximately \$30 million.**
13. Estimated time required to construct works **5 years**
14. Estimated time required to complete the application of water to beneficial use **10 years**
15. Remarks: **This application to change is being filed in the name of Granite Fox Power, LLC, a Delaware limited liability company. At a later date, simultaneously to or prior to the State Engineer granting the application to change, the chain of title will be complete from the owner of record as reflected on the State Engineer's records to the Applicant. The Applicant intends to construct a 1450 megawatt coal fired power plant, which power plant will be equipped with state of the art environmental controls. The total consumptive duty to be placed to be beneficial use and utilized at the plant, will be determined upon filing the Proofs of Application of Water to Beneficial Use. The water transferred pursuant to this application**

72552

to change is based upon previously permitted water rights, or claims of vested rights. New appropriations of water are not being sought by the Applicant.

By Ross E. de Lipkau, Agent
s/ Ross E. de Lipkau
P.O. Box 2790
Reno, Nevada 89505-2790

Compared aem/bk

Protested See File

List the year of priority for acreages irrigated prior to March 1, 1905, from all points of diversion previously described, with corresponding subdivisions, appending extra sheets if necessary.

Year	Acres	Subdivision		Section	Twnshp. (N)	Range (E)
1870	3.27	SE	SE	24	32	17
1870	11.53	SW	SE	24	32	17
1870	12.74	SE	SE	25	32	17
1870	18.41	NE	SE	25	32	17
1870	25.89	SE	NE	25	32	17
1870	40.7	NE	NE	25	32	17
1870	16.59	NW	NE	25	32	17
1870	0.51	NE	NE	36	32	17
1870	7.5	SW	SE	30	32	18
1870	40	SE	SW	30	32	18
1870	40	SW	SW	30	32	18
1870	29.04	NE	SW	30	32	18
1870	40	NW	SW	30	32	18
1870	40	SW	NW	30	32	18
1870	18.41	NW	NW	30	32	18
1870	10.2	SE	NW	30	32	18
1870	0.34	NE	NW	30	32	18
1870	7.94	NW	SE	31	32	18
1870	28.29	SE	SW	31	32	18
1870	4.15	SW	SW	31	32	18
1870	35.81	NE	SW	31	32	18
1870	1.82	NW	SW	31	32	18
1870	27.31	SW	NE	31	32	18
1870	23.23	NW	NE	31	32	18
1870	40	SE	NW	31	32	18
1870	18.04	SW	NW	31	32	18
1870	40	NE	NW	31	32	18
1870	37.98	NW	NW	31	32	18
1870	4.29	SE	SW	5	31	18
1870	39.4	SW	SW	5	31	18
1870	18.41	NW	SW	5	31	18
1870	35.25	SE	SE	6	31	18
1870	5.49	SW	SE	6	31	18
1870	30.78	NW	SE	6	31	18
1870	36.29	NE	SE	6	31	18
789.59						

ATTACHMENT "A"

Year	Acres	Subdivision		Section	Twnshp. (N)	Range (E)
1870	12.77	SE	NE	6	31	18
1870	37.42	SW	NE	6	31	18
1870	5.55	NW	NE	6	31	18
1870	15.36	SE	NW	6	31	18
1870	29.86	NE	NW	6	31	18
1870	0.66	NE	SW	6	31	18
1870	11.42	NE	NE	7	31	18
1870	0.54	SE	NE	8	31	18
1870	4.04	NW	NE	8	31	18
1870	25.48	SW	NE	8	31	18
1870	36.79	SE	SE	8	31	18
1870	21.72	NE	SE	8	31	18
1870	40	NW	SE	8	31	18
1870	17.81	SW	SE	8	31	18
1870	7.15	SE	SW	8	31	18
1870	29.38	NE	SW	8	31	18
1870	36.65	SE	NW	8	31	18
1870	24.9	NE	NW	8	31	18
1870	35.3	NW	NW	8	31	18
1870	11.35	SW	NW	8	31	18
1870	8.88	SW	SW	9	31	18
1870	6.15	SE	SW	15	31	18
1870	2.39	NE	SW	15	31	18
1870	2.82	SW	SW	15	31	18
1870	18.31	NW	SW	15	31	18
1870	14.78	NE	SE	16	31	18
1870	10.77	NW	SE	16	31	18
1870	8.14	SE	NE	16	31	18
1870	26.26	SW	NE	16	31	18
1870	7.85	NE	SW	16	31	18
1870	39	SE	NW	16	31	18
1870	6.65	NE	NW	16	31	18
1870	32.22	SW	NW	16	31	18
1870	33.16	NW	NW	16	31	18
1870	12.73	SE	NE	17	31	18
1870	26.14	NE	NE	17	31	18

680.4

Total 1449.99

Of the aboved listed acreage, 297.82 is also irrigated by Rush Creek.

297.72

Proposed Place of Use

T33N R22E MDM Washoe County, Nevada

Section 3; W1/2 SW1/4

Section 4; SE1/4

Section 9; NE1/4, E1/2 NW1/4, SE1/4, E1/2 SW1/4

Section 10; W1/2 NW1/4, W1/2 SW1/4

Section 15; W1/2 NW1/4

Section 16; E1/2 NW1/4, NE1/4, E1/2 SW 1/4

Section 21; W1/2 NE1/4, E1/2 NW1/4, E1/2 SW1/4

Section 27; SW1/4 NE1/4, NW1/4 SE1/4, NW1/4, N1/2 SW1/4

Section 28; NE1/4, N1/2 SE1/4, NE1/4 NW1/4, S1/2 NW1/4, N1/2 SW1/4

Section 29; E1/2 SE1/4

Containing 2,557± acres

Attachment "C"

Line 15 Additional Remarks

- 1) Surface water will be allowed to naturally infiltrate in the stream channel to be withdrawn by proposed wells.
- 2) Use map on file for location of existing Point of Diversion and Place of Use.
- 3) Use supporting map for permit # for Points of Diversion and Place of Use.